

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

CLARE THOMAS,
Plaintiff,

v.

T-MOBILE, USA, INC., et al.
Defendants.

Case No.
2:18-cv-00468-RDP

**Motion for Leave to Comply with this Court's June 25, 2018, Order
Out-of-Time**

Comes now Plaintiff, Clare Thomas, by and through the undersigned counsel, and requests that this Court accept compliance with this Court's June 25, 2018, Order out-of-time. In support of this request, Plaintiff states as follows:

1. On June 11, 2018, Archibald M. Smith, IV, submitted his application to appear *pro hac vice* on behalf of Plaintiff. (Doc. 12).

2. On June 25, 2018, this Court entered an Order conditionally granting the *pro hac vice* application and requiring that Mr. Smith certify that he has read and understands (i) any local rules applicable in this District, (ii) the Alabama State Bar Code of Professional Courtesy and the Lawyer's Creed, and (iii) this Court's CM/ECF requirements; the Order also required payment of the \$50 *pro hac vice* fee. (Doc. 13).

3. The Order required that Mr. Smith complete the above-stated requirements by July 2, 2018. (*Id.*). However, Plaintiff's *former* local counsel first notified Mr. Smith of the Order and the Court's requirements in a July 2, 2018, email. (Exhibit A, ¶3). On July 2, 2018, Mr. Smith was in-flight from Europe to Los Angeles and did not see the email or this Court's Order until July 3, 2018. (*Id.*).

4. On July 13, 2018, this Court set a Rule 16(b) Scheduling Conference for July 23, 2018. (Doc. 16). It was not until a July 18, 2018, email from Defendants' counsel that Mr. Smith learned of the July 23, 2018, hearing.(Ex. A, ¶8).

5. Both Plaintiff, and Mr. Smith, have immediately acted to comply with this Court's Orders and ensure that future problems will not occur, including:

- a. Plaintiff has engaged the undersigned to serve as new local counsel in this matter, who will attend the July 23, 2018, scheduling conference;
- b. Mr. Smith provides his certification that he has read and understands the (i) local rules applicable in this District, (ii) Alabama State Bar Code of Professional Courtesy and the Lawyer's Creed, and (iii) this Court's CM/ECF requirements (Ex. A, ¶10); and,

- c. Arranged to immediately pay the \$50 *pro hac vice* fee if the Court will grant this motion and excuse the failure to timely meet the requirements of the June 25, 2018, Order.

Wherefore, premises considered, Plaintiff requests the Court excuse the untimely compliance with the requirements of the June 25, 2018, Order, and allow Mr. Smith to complete those requirements out-of-time.

/s/ Keith T. Belt, Jr.

Keith T. Belt, Jr. (ASB-6843-T79K)

Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. In the event that the CM/ECF system does not send notification of such filing to the following, undersigned counsel will serve the following via U.S. Mail.

Counsel for Defendants T-Mobile USA Inc & Stephanie Hart

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/s/ Keith T. Belt, Jr.
Of Counsel